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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DURDEN, et al.

Group Art Unit: Unknown

Application No. 09/751,702

Examiner: Unknown

Filed: December 29, 2000

Title: "System & Method for Formulating, Delivering and Managing Data Concerning Programming Content and Portions Thereof..."

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S.P.T.O. centralized number (703) 872-9306.

Scott P. Zimmerman
Name of Person Transmitting This Paper



31 March 2005
Date of Transmission

REQUEST FOR REFUND

Mail Stop: 16
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

Director:

I respectfully request a refund of \$1370 in the above-identified application. As the accompanying decision on petition states, the petition fee was twice paid and a refund is permitted. Please make the check payable to Scott P. Zimmerman, PLLC and mail the check to:

BS00155

U.S. Application No. 09/751,702
Request for Refund of Petition Fee

Scott P. Zimmerman
P.O. Box 3822
Cary NC 27519

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@scottzimmerman.com.

Respectfully submitted,



Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390

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Paper No. 21

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OFFICE OF PETITIONS

In re Application of
Durden, et al.
Application No. 09/751,702
Filed: December 29, 2000
Attorney Docket No. BS00155

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2004 (certificate of mailing date October 13, 2004), to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

On August 26, 2004, JOHN C. ALEMANNI of KILPATRICK STOCKTON LLP filed a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. The petition was granted on November 8, 2004.

Therefore, the instant petition is **DISMISSED AS MOOT**. Petitioner should file a request for refund of the \$1,370.00 petition fee submitted with the instant petition.

After the mailing of this decision, the application file will be forwarded to Technology Center GAU 2611.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions